

PTO/SB/21 (08-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

<b>Application Number</b>	10/005,257		
	<b>Filing Date</b>	December 3, 2001	
	<b>First Named Inventor</b>	Merrit N. Jacobs	
	<b>Group Art Unit</b>	1743	
	<b>Examiner Name</b>	Brian R. Gordon	
<b>Total Number of Pages in This Submission</b>	9	<b>Attorney Docket Number</b>	961_009

**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1 Page Transmittal of IDS after Mailing of NOA, but Before Payment of Issue Fee, 1 Page Certification, PTO 1449, Copy of One (1) Foreign Reference (AZ); Check in the Amount of \$180.00 and Return Mailroom Postcard.
<b>Remarks</b>		<b>The Commissioner is authorized to charge any additional fees to Deposit Account No. 50-0289.</b>
<b>Express Mail Label No. EV 487234395 US</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	Wall Marjama & Bilinski LLP	<b>Reg. No.</b> 35,067
<b>Signature</b>		
<b>Date</b>	December 23, 2004	

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service using the Express Mail Post Office To Addressee service per 37 CFR 1.10 under Express Mail No. **EV 487234395 US** addressed to **Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on December 23, 2004.

<b>Typed or printed name</b>	Susanne C. Aregano		
<b>Signature</b>		<b>Date</b>	December 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Applicant's Docket No.: 961\_009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Merrit N. Jacobs et al.

Ser. No.: 10/005,257

Art Unit: 1743

Filed: December 3, 2001

Examiner: Brian R. Gordon

For: FLUID DISPENSING ALGORITHM FOR A VARIABLE SPEED PUMP DRIVEN  
METERING SYSTEM

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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*Susanne C. Aregano*  
Susanne C. Aregano

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER  
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE  
BUT BEFORE PAYMENT OF ISSUE FEE (37 C.F.R. 1.97(d))

**NOTE:** An information disclosure statement shall be considered by the Office if filed after the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a statement as specified in paragraph (e) of section 1.97, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in § 1.17(i).

**NOTE:** If the information disclosure statement that contains the items required by 37 C.F.R. 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40) and 37 C.F.R. 1.97(d).

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee.

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

**STATEMENT, PETITION AND FEE**

2. In accordance with the requirements of 37 C.F.R. 1.97(d):
- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. 1.97(e).
  - B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 C.F.R. 1.97(d)(2).
  - C. Applicant submits the petition fee set forth in § 1.17(i) (\$180.00).

*NOTE: "The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted."  
Notice of April 20, 1992 (1138 O.G. 37-41, 40).*

**FEE DUE**

3. Petition fee due (§ 1.17(i)): \$180.00

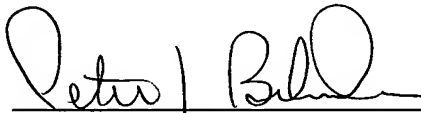
**METHOD OF PAYMENT OF FEE**

4. ☒ Attached is a check for \$180.00.  
☐ Charge Account 50-0289 \$180.00.
- ☒ If any additional petition fees are due, please charge Account 50-0289.

Respectfully Submitted

WALL MARJAMA & BILINSKI LLP

By:



Peter J. Bilinski  
Reg. No.: 35,067

PJB/sca  
Telephone: (315) 425-9000

Customer No.: 20874



Practitioner's Docket No.: 961\_009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Merrit N. Jacobs et al.

Serial No.: 10/005,257

Art Unit: 1743

Filed: December 3, 2001

Examiner: Brian R. Gordon

For: FLUID DISPENSING ALGORITHM FOR A VARIABLE SPEED PUMP  
DRIVEN METERING SYSTEM

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Issue Fee, Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on December 23, 2004.

*Susanne C. Aregano*  
Susanne C. Aregano

**CERTIFICATION UNDER 37 C.F.R. § 1.97(e)**

Sir:

☒ Each item of information contained in the Information Disclosure Statement  
filed herewith was cited in a communication from a foreign patent office in a  
counterpart foreign application not more than three months prior to the filing  
of this Information Disclosure Statement.

OR

☐ No item of information in the Information Disclosure Statement filed  
herewith was cited in a communication from a foreign patent office in a  
counterpart foreign application or, to my knowledge after making reasonable  
inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more  
than three months prior to the filing of this Information Disclosure  
Statement.

Respectfully Submitted,

WALL MARJAMA & BILINSKI LLP

By:

*Peter J. Bilinski*  
Peter J. Bilinski  
Reg. No.: 35,067

PJB/sca  
Telephone: 315-425-9000

Customer No.: 20874

Practitioner's Docket No.: 961\_009

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Merrit N. Jacobs et al.

Serial No.: 10/005,257

Art Unit: 1743

Filed: December 3, 2001

Examiner: Brian R. Gordon

For: FLUID DISPENSING ALGORITHM FOR A VARIABLE SPEED PUMP  
DRIVEN METERING SYSTEM

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*Susanne C. Aregano*  
Susanne C. Aregano

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §§1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. A copy of the foreign reference listed on Form PTO-1449 is attached hereto.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. See 37 C.F.R. §1.104(a) and §1.105 concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that these references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

The present Supplemental Information Disclosure Statement is being filed following a Notice of Allowance and prior to the payment of the issue fee. The requisite fee and a certification under 37 CFR §1.97(d) accompany this Statement.

12/28/2004 EFLORES 00000174 10005257

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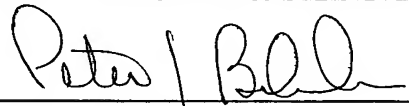
180.00 OP

The Director is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

WALL MARJAMA & BILINSKI LLP

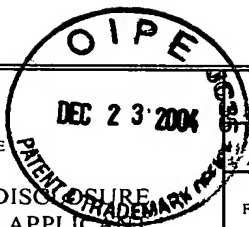
Date: December 23, 2004 By:

  
\_\_\_\_\_  
Peter J. Bilinski  
Reg. No. 35,067

PJB/sca  
Telephone: (315) 425-9000

Customer No.: 20874

Form PTO 1449 US DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Priority Docket No. 961 009	Serial No. 10/005,257
	Applicant Merrit N. Jacobs et al.	Filing Date December 3, 2001
		Group 1743



### U.S. PATENT DOCUMENTS

Exam Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
	AV	5,246,354	September 21, 1993	Pardinas			
	AW	5,312,233	May 17, 1994	Tanny et al.			
	AX	5,369,566	November 29, 1994	Pfost et al.			
	AY	5,863,187	January 26, 1999	Bensley et al.			

### FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation	Abstract
	AZ	0 586 280 A1	March 9, 1994	EP				

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages Etc.)

Examiner	Date Considered	

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Effective on 12/08/2004.  
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4181)

# **FEE TRANSMITTAL**

## **For FY 2005**

**Complete if Known**

Application Number 10/005,257  
 Filing Date December 3, 2001  
 First Named Inventor Merrit N. Jacobs  
 Examiner Name Brian R. Gordon  
 Art Unit 1743  
 Attorney Docket No. 961\_009

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT \$180.00

Express Mail Label EV 487234395 US

**METHOD OF PAYMENT (check all that apply)**

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-0289 Deposit Account Name: Wall Marijama & Bilinski LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

- ☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**  
☐ Charge any additional fee(s) or underpayments ☒ Credit any overpayments of fee(s) under 37 CFR 1.16 and 1.17

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
- 20 or HP =	x	=
HP = highest paid number of total claims paid for, if greater than 20		
<b>Indep. Claims</b>		
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3		

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEES Supplemental Information Disclosure Statement**

Non-English Specification, \$130 fee (no small entity discount)  
 Other: \_\_\_\_\_

**SUBMITTED BY**

Signature	<i>Peter J. Bilinski</i>	Registration No. 35,067 (Attorney/Agent)	Telephone 315-425-9000
Name (Print/Type)	Peter J. Bilinski		Date December 23, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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